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FILED

DISTRICT COURT OF GUAM

SEP 15 2006 *Nbo*

MARY L.M. MORAN
CLERK OF COURT

6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE TERRITORY OF GUAM**

8 UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 05-00053
9)
10 vs. Plaintiff,) MOTION TO CONTINUE
11 JONATHAN E. CANOVAS) SENTENCING DATE
12)
Defendant.)

12 COMES NOW the Defendant, Jonathan E. Canovas, by and through his counsel of record,
13 Phillip J. Tydingco, Esq., hereby respectfully request that this Honorable Court grant his motion to
14 continue the sentencing date in the above-entitled case from September 20, 2006 at 10:15 a.m. to
15 October 10, 2006 or thereafter, based on the following averments:
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17 1. The undersigned counsel was recently appointed to replace the local public
18 defender's office as counsel for a defendant charged with murder in People v. Jeffrey Sikites.
19 CF340-06, and the defendant in this case is confined and he continues to insist on asserting his right
20 to a speedy trial.

21 2. The Honorable Anita A. Sukola who is presiding as trial judge in People v. Jeffrey
22 Sikites. CF340-06, has informed the parties that the jury trial selection will commence on September
25, 2006, which leaves little time for the undersigned counsel to prepare and who has to contend
with receiving over four hundred pages of discovery, tapes, and the like for the past few days

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including today. However, Judge Sukola has also indicated that even though the jury trial selection will begin on September 25, 2006, there will be a recess in the trial between October 6, 2006 and October 26, 2006 because she will be off-island.

3. In addition, the undersigned counsel has also learned this week that one of the witnesses for Jonathan Canovas' sentencing hearing, Mrs. Rosemarie A. Camacho, who has been providing psychological counseling services to him will not be available for the September 20, 2006 sentencing date because she is presently on maternity leave until the first week of October 2006.

4. The aforementioned circumstances make it extremely difficult to provide effective representation for Mr. Canovas or my client in the local murder case.

5. The undersigned counsel did contact Assistant U.S. Attorney Karon V. Johnson today on September 15, 2006, who related that she has no objection to continuing the sentencing date for Mr. Jonathan E. Canoyas' cases.

Therefore, based on the forgoing, the undersigned counsel is respectfully requesting for an order to continue the sentencing date from September 20, 2006 to October 10, 2006 or thereafter.

Respectfully submitted this 15th day of September, 2006.

ALTERNATE PUBLIC DEFENDER:
Attorneys for Defendant Jonathan E. Canovas

PHILLIP J. VDINGCO